



PATENT  
Customer Number 22,852  
Attorney Docket No. 7040.0008.02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#11  
AW  
4.203

In re Application of: )  
Marco NAHMIAS NANNI et al. )  
Application Serial No. 09/802,948 ) Group Art Unit: 1733  
Filed: March 12, 2001 ) Examiner: Maki, S.  
For: LOW-RUNNING- )  
TEMPERATURE TYRE )

Assistant Commissioner for Patents  
Washington, DC 20231

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TC 1700

TERMINAL DISCLAIMER

Sir:

Assignee, PIRELLI COORDINAMENTO PNEUMATICI S.p.A., duly organized under the laws of the country of Italy and having its principal place of business at Milan, Italy, represents that it is the assignee of the entire right, title, and interest in and to the above-identified application, U.S. patent application Serial No. 09/802,948, filed March 12, 2001, for LOW-RUNNING-TEMPERATURE TYRE in the name of Marco NAHMIAS NANNI et al., as indicated by an assignment duly recorded in the U.S. Patent and Trademark Office ("USPTO") at Reel 9273, Frame 0239, on June 26, 1998. Assignee, PIRELLI COORDINAMENTO PNEUMATICI S.p.A., further represents that it is the assignee of the entire right, title, and interest in and to U.S. patent application Serial No. 08/946,233, filed October 7, 1997, for A METHOD FOR REDUCING THE WORKING TEMPERATURE OF A TIRE TREAD FOR VEHICLES AND SOME TIRE TREADS CAPABLE OF PERFORMING SAID METHOD in

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110.00 OP

the name of Renato CARETTA et al., as indicated by an assignment duly recorded in the USPTO at Reel 8844, Frame 0118, on October 7, 1997.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on U.S. patent application Serial No. 09/802,948 which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent granted on U.S. patent application Serial No. 08/946,233. Assignee hereby agrees that any patent so granted on U.S. patent application Serial No. 09/802,948 shall be enforceable only for and during such period that it and any patent granted on U.S. patent application Serial No. 08/946,233 are commonly owned. This agreement runs with any patent granted on U.S. patent application Serial No. 09/802,948 and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on U.S. patent application Serial No. 09/802,948 that would extend to the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent granted on U.S. patent application Serial No. 08/946,233, as presently shortened by any terminal disclaimer, in the event that such a patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$110.00 is being filed with this Terminal Disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee required for an extension of time under 37 C.F.R. § 1.136 is not accounted for above, such an extension is requested and that fee also should be charged to Deposit Account No. 06-0916.

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: March 25, 2003

By:

  
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